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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.3392 OF 2006

Surendrakumar Mishra . . . Applicant

Vs.

The State of Maharashtra . . . Respondent

Mr. V. R. Randive, Advocate for the applicant.

Mrs. N.H. Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : FEBRUARY 9, 2007.

P.C.

. Heard Mr. V. R. Randive, the learned counsel for the applicant and Mrs. N. H. Mhatre, the learned APP for the State. The applicant seeks to be released on bail in Crime No. 122 of 2005 by the Economic Offence Wing, Cell No. 2, C.B. C.I.D. Mumbai for the offences punishable under Section 409, 454, 457, 380, 465, 467, 468, 471, 420, 452, 120-B of I.P.Code.

2. According to prosecution, the applicant was a Security Contractor and he had provided security guards at the house of the complainant Rustom Sam Boyce. Said

complainant generally used to remain absent from the residence at Mumbai, as for a number of years he has settled in Singapore. As per the report lodged by him, during his absence blank cheque was stolen away from his house by the present applicant or his security guards and on the basis of that cheque, amount of Rs.15 lakhs was withdrawn from accdount. Not only this, a false document was forged to show that one Sanjeev Singh Chadha was inducted as tenant in the said house. On the basis of said complaint, police registered offence and present accused came to be arrested on 15th December 2005.

3. The learned counsel for the applicant points out that one of the security guards had actually taken a pay order for the amount of Rs.15,06,000/- in favour of the constituted attorney of the complainant. To compensate him for the amount which was illegally withdrawn from the account. However, complainant has not encashed said pay order and handed over to the Investigating Officer. He also informed that possession of the flat has been actually handed over to the

complainant and it appears that now, some suit is pending between Sanjiv Chaddha and the said complainant before the Small Causes Court. The learned counsel also makes a statement that there is no material to show that the present applicant had forged any document or had misused the said cheques. Hand Writing Expert's report is not available.

4. On the earlier dates, this Court had directed and investigating officer to find out antecedents of the present applicant, as well as his permanent - residential / business address at Mumbai. The learned counsel for the applicant informs that the present applicant was carrying on business as Security Contractor on some rented premises, but because he is in jail for about last 14 months, he is not in a possession of said premises. As per the documents collected by Senior Police (Economic Offences Wing), it appears that flat D/9 Satya Vijay Cooperative Housing Society, Charkop Kandivali was purchased by the wife of present applicant from its owner. Hower flat is not yet transferred in her name. Anyhow, it reveals

that applicant and his wife have a permanent home at Bombay. He is also a tax payer and address of the same society is given in the income tax returns. Taking into consideration the circumstances of the case, and the fact that the trial of the matter may take long time, I find that applicant may be granted bail.

5. Applicant be released on his executing P. R. bond of Rs. 25,000/- with one local surety in the same amount, with condition that he shall not misuse bail and shall attend the office of Economic Offences Wing, once every month, till end of the trial.

Sd/-
[J. H. BHATIA, J.]